IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 8944 of 2007(M)

PETITIONER:

M/S.NEW STAR WEAVING WORKS,
REP. BY ITS MANAGING PARTNER
T.HAREESH KUMAR, CHIRAKKAL P.O
BALIAPATTAM, KANNUR (PIN:670011)

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:

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1. THE ASSISTANT PROVIDENT FUND
COMMISSIONER, AND RECOVERY OFFICER,
EMPLOYEES PROVIDENT FUND ORGANIZATION,
V.K.COMPLEX, FORT ROAD, KANNUR.

2. THE CENTRAL PROVIDENT COMMISSIONER,
NEW DELHI.

3. UNION OF INDIA, REP. BY ITS SECRETARY
TO GOVT. DEPARTMENT OF LABOUR & REHABILITATION,
NEW DELHI.

R1 BY ADV.SRI.R.SUDHEER, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/03/2007, ALONG WITH WPC NO. 5665 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).Nos.5665 & 8944 OF 2007

Dated this the 21st day of March, 2007

JUDGMENT/ORDER

W.P(C).No.5665/07 was filed challenging an auction notice for recovery of amounts due under orders passed by the competent authority under Section 7 (2) and 14 B. In that writ petition, the petitioner contended that against Section 14 B order, there is an appeal pending before the appellate authority. This Court passed an order in that case on 21.2.2007 directing that the sale shall not be confirmed if an amount of Rupees two lakhs is paid within a period of two weeks therefrom. The petitioner did not satisfy the condition imposed by the said order.

2. Thereafter, the petitioner filed W.P(C).8944/07 challenging the section 14 B order, which was not challenged in the earlier writ petition. I am not inclined to admit W.P(C).8944/07 because the section 14 B order that he challenges, had not only led to

Ext.P9 auction notice in W.P(C).No.5665/07, but was also issued more than three years ago, on 16.12.2004, after hearing the petitioner on 9.12.2004. Therefore, the challenge against section 14 B order is repelled and W.P(C).No.8944/07 is dismissed.

3. In W.P(C).No.5665/07, counsel for the petitioner submits that an amount of Rupees One Lakh is being paid and an application for extension of time is being filed. Hence W.P(C). No.5665/07 is adjourned to be listed tomorrow.

This order will amount to a judgment dismissing W.P(C). No.8944/07 and will be an interlocutory order in W.P(C). No.5665/07.

THOTTATHIL B.RADHAKRISHNAN
Judge

kkb.